

Minutes  
South Carolina Real Estate Appraisers Board  
Meeting/Hearings  
August 10, 2006

Members Attending: Herb Sass, Chairman; Chuck Stone, Vice Chairman; Rhonwen Newton, Secretary; Chris Cochran (arrived 10:30 AM), Nancy Johnson; and Carlton Segars

Staff: Robert L. Selman, ADD; Jay Pitts, Administrator; Mike Anderson, Office of Investigations; Ed Coleman, Compliance; Lesia Kudelka, Office of Communications and Governmental Affairs; Tracey McCarley, Education; Ann Parris, Administrative Assistant; Shirley Robinson; Legal Counsel; Laura Smith, Investigator; Beau Tiller; Education; and Rick Wilson, Assistant Deputy General Counsel

Other: Robert J. Dufala, SCAR, Appraisers Section; John O'Connor, *The State*

Call to Order and Freedom of Information Statement

Herb Sass, Chairman, called the meeting to order at 10:15 AM and stated for the record the following Freedom of Information statement. Public notice of this meeting was properly posted at the Real Estate Appraisers Board office, Synergy Business Park, Kingstree Building, Columbia, South Carolina, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.

Chairman Sass introduced board members and staff and welcomed everyone to the meeting.

Motion: Minutes of the February 9, 2006 meeting were unanimously approved as written on motion of Mr. Segars and second of Mr. Stone.

Management Update – Jay Pitts, Administrator

1. Changes to the Appraisers license law passed last session. Staff is in the process of drafting regulations now and probably within the next 30 days Board members will receive a draft for review. Appraisal Subcommittee has already reviewed draft and is about ready to sign off. There might be some minor changes to make. The time frame is to have them ready to submit to the Legislature by the middle of September or the first of October.
2. Appraiser Subcommittee (ASC) Audit – The ASC audit will be held on Wednesday, February 7, 2007 and Thursday, February 8, 2007. Board meeting will be held on February 8.
3. Introduction of Tracey McCarley, Education. Ms. McCarley joined the staff in May and is doing an excellent job.
4. November 9 – next meeting date

Chairman Sass asked the Board's approval to amend the agenda by moving the license application hearings before the Old Business and New Business. Board members unanimously approved this request.

Thomas D. Lewis  
Summerville, SC

Mr. Lewis appeared before the Board to request that he be granted approval to obtain a SC real estate appraiser license. Mr. Lewis was not represented by attorney nor did he offer any witnesses.

At the conclusion of the Mr. Lewis' presentation, Chairman Sass stated Mr. Lewis' case was submitted to the Board and that they would take it under advisement. He called for a motion to go into executive session.

Executive Session

Motion: Ms. Newton moved and Mr. Stone seconded that the Board go into executive session for deliberation. Motion unanimously passed. Time: 10:45 AM

Return to Public Session

Motion: Mr. Segars moved to come out of executive session. Motion seconded by Mr. Stone and unanimously carried. Time: 11:00 AM

Mr. Segars requested he would like to recuse himself from the vote as Mr. Lewis had attended a class taught by Mr. Segars. Mr. Segars was recused.

Motion: Ms. Newton moved that Mr. Lewis' application for licensure be denied.

Chairman Sass stated the decision that the Board announces today expresses only the basic elements of the ruling in this case. Counsel or Staff for the Board will prepare a document which more fully expresses the conclusions in the appropriate language and format which the Board has traditionally used. The final written decision must be approved by and signed by the Chairman of the Board and will be the final order in this matter.

Break 11:05 AM - Reconvene at 11:15 AM

William L. Griffin, II  
Simpsonville, SC

Mr. Griffin appeared before the Board to request that his application for a South Carolina Appraiser Apprentice permit be approved by the Board.

Mr. Griffin was not represented by counsel. Two witnesses testified on Mr. Griffin's behalf: Tanya Griffin, Wife and Daisy R. Griffin, Mother.

At the conclusion of the Mr. Griffin's presentation, Chairman Sass stated Mr.Griffin's case was submitted to the Board and that they would take it under advisement. He called for a motion to go into executive session.

Executive Session

Motion: Mr. Stone moved and Ms. Newton seconded that the Board go into executive session for deliberation. Motion unanimously passed. Time: 11:40 AM

Return to Public Session

Motion: Mr. Stone moved to come out of executive session. Motion seconded by Mr.Segars and unanimously carried. Time: 11:50 AM

Motion: Mr. Stone moved Mr. Griffin's application to obtain a South Carolina Appraiser Apprentice is approved. Motion was seconded by Mr. Segars and unanimously carried.

Chairman Sass stated the decision that the Board announces today expresses only the basic elements of the ruling in this case. Counsel or Staff for the Board will prepare a document which more fully expresses the conclusions in the appropriate language and format which the Board has traditionally used. The final written decision must be approved by and signed by the Chairman of the Board and will be the final order in this matter.

Break 11:55 AM - Reconvened at 12 Noon

Old Business – There was no old business.

New Business

Shirley Robinson, LLR Advice Counsel, addressed the Board regarding the matter of a disciplinary hearing on Chris Cochran and Kenneth Cochran.

Shirley Robinson

Ms. Robinson reported that since the hearing scheduled for today involves a sitting member of the Board, it was requested by the General Counsel of the State Attorney's Office that the case be continued and a hearing officer appointed. Ms. Robinson stated LLR did not have a problem complying with this request. She said the LLR Engine Bill has a section that authorizes boards to use hearing officers.

She explained that the hearing officer will listen to all the evidence, issue a report of finding of facts and conclusion of law and make a recommendation to the Board. She said this case would not be finalized until it is voted on by the Board.

Chris Cochran

Mr. Cochran recused himself at this point.

Motion: Mr. Segars moved that the Board appoint a hearing officer. The motion was seconded by Ms. Newton and unanimously carried.

Robert L. Selman

Mr. Selman stated he would like to place before the Board the name of Thomas F. Hartnett to serve in that capacity. Mr. Selman stated he had spoken to Mr. Hartnett and Mr. Hartnett is willing to provide this service. Mr. Hartnett is a Certified General Appraiser and a former Second District Congressman from the Charleston area. Mr. Sass stated he would second this recommendation. The Board voted unanimously to appoint Mr. Hartnett as the hearing officer.

Rick Wilson

Mr. Wilson stated that when all parties can agree on the date, the evidentiary hearing will take place with the hearing officer. Ms. Robinson will serve as the hearing advisor. After the hearing, the hearing officer will submit a written report with a recommendation. He can recommend sanctions if he desires but the final decision belongs to the Board, acting in its discretion. Board members will receive a verbatim transcript with exhibits along with the hearing officer's report in time to study it prior to the final order hearing. Mr. Wilson stated the final order hearing is similar to an appellate argument. He said the State and respondent may argue, based on the record, either in support of or opposition to the hearing officer's recommended findings of fact and conclusions of law. He said it is not an opportunity to reopen the record. Mr. Wilson stated the Board would issue a final decision in the matter based on that record from the hearing officer. Ms. Robinson said she probably would recommend that the Board either accept or reject it and appoint another hearing officer.

Mr. Wilson stated this process of appointing hearing officers works very well when complex cases come up and require a lot of time for hearings.

There being no other business, meeting adjourned at 12:10 PM.